



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,345	09/28/2000	David I. Poisner	10559/364001/P8247-2	7729

20985 7590 PP/59/2002

FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

EXAMINER

KIM, HONG CHONG

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,345

Applicant(s)

POISNER, DAVID I.

Examiner

Hong C Kim

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Detailed Action

1. Claims 1-33 are presented for examination. This office action is in response to the amendment filed on 9/3/02.

2. Applicants are reminded of the duty to disclose information under 37 CFR 1.56.

DOUBLE-PATENTING

3. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and (c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 09/572,047. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims are related to accessing multiported memory for uncached status and control access. Claim 1-33 of the present invention comprises less elements than as claimed in the Application No.09/572,047. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to delete additional limitations of making from a peripheral device, a data access to a memory in a computer, and making from a peripheral device, a status access to a memory in a computer of the copending application to arrive invention of the present application. The omission of these elements and their functions from the patent claims would have been obvious if the functions or the elements are not desired (see MPEP § 2144.04(II)A).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 1-6, 9-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinwiddie, Jr. et al. (Dinwiddie) US Patent 5,852,608.

As to claim 1, Dinwiddie discloses the invention as claimed. Dinwiddie discloses a computer system, comprising: a noncached multi-ported memory (Fig. 1 Ref. 22); a main memory (Fig. 1 Ref 7), a CPU coupled to the multi-ported memory (Fig. 1 Ref. 22); a bus (Fig. 1 Ref. 16) configured to communicate with one or more peripheral devices (Fig. 1 Ref. 3) coupled to the multi-ported memory and configured to access the multiported memory independently of the CPU; wherein the computer system is configured so that control accesses from the CPU are directed to the multiported memory (col. 11 line 66) and data accesses from the CPU are directed to the main memory (Fig. 1 Ref. 10).

As to claim 27, Dinwiddie discloses the invention as claimed above. Dinwiddie integrated circuit comprising a memory controller including at least two electrical ports for coupling to communication channel (Fig. 1)

As to claim 2, Dinwiddie discloses the invention as claimed above. Dinwiddie further discloses an OS is configured such that accesses to the multiported are not cached (Fig. 1).

As to claims 3 and 27, Dinwiddie discloses the invention as claimed. Dinwiddie further discloses the multi-ported memory is dual ported (Fig. 1 Ref. 22).

As to claim 4, Dinwiddie discloses the invention as claimed above. Dinwiddie further

discloses the multiported memory is embedded within a memory controller (Fig. 1).

As to claim 5, Dinwiddie discloses the invention as claimed above. Dinwiddie further discloses the multiported memory and memory controller are integrated into a single chip (Fig. 1).

As to claims 6 and 29, Dinwiddie discloses the invention as claimed above. Dinwiddie further discloses DRAM (Fig. 13).

As to claim 9, Dinwiddie discloses the invention as claimed above. Dinwiddie further discloses I/O bus (Fig. 1 Ref. 16).

As to claim 10, Dinwiddie discloses a method comprising: routing a data access from a peripheral device to a first memory in the computer (col. 3 thru col. 7) and routing a status access from the peripheral device to a second memory in the computer (col. 11 line 66).

As to claim 11, Dinwiddie further discloses main memory (Fig. 1 Ref. 7).

As to claim 12, Dinwiddie discloses the invention as claimed above. Dinwiddie further discloses the second memory comprises memory included in a memory controller (Fig. 1 Ref 2).

As to claim 13, Dinwiddie further discloses dual ported (Fig. 1 Ref. 22).

As to claims 14 and 16-18, claims 14, and 16-18 are a rephrasing of claims 10-13 in a computer software form. The claims are rejected for the same reason as set forth above in claims

As to claim 15, Dinwiddie further discloses I/O controller (Fig. 1 Ref. 2).

As to claim 19, Dinwiddie discloses a method comprising: routing a data access from a CPU to a first memory in the computer (col. 3 thru col. 7) and routing a control access from the CPU to a second memory in the computer (col. 11 line 66).

As to claim 20, Dinwiddie further discloses main memory (Fig. 1 Ref. 7).

As to claim 21, Dinwiddie further discloses the second memory comprises memory included in a memory controller (Fig. 1 Ref 2).

As to claim 22, Dinwiddie further discloses dual ported (Fig. 1 Ref. 22).

As to claims 23- 26, claims 23-26 are a rephrasing of claims 19-22 in a computer

software form. The claims are rejected for the same reason as set forth above in claims 19-22

As to claim 31, Dinwiddie further discloses status accesses from a peripheral device are directed to the multiported memory (col. 11 line 66) and data accesses from the peripheral device are directed to the main memory (col. 3 to col. 7).

As to claim 32, Dinwiddie further discloses data accesses from the peripheral device are directed to the main memory (col. 3 to col. 7).

As to claim 33, Dinwiddie further discloses status accesses from a peripheral device are directed to the multiported memory (col. 11 line 66).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dinwiddie, Jr. et al. (Dinwiddie) US Patent 5,852,608 in view of McMahon et al (McMahon) US

Patent 5,784,699.

As to claims 7 and 30, Dinwiddie discloses the invention as claimed above. However, Dinwiddie does not specifically disclose reservation bits mapped to block of general purpose memory in the multiported memory. McMahon discloses reservation bits mapped to block of general purpose memory in the multiported memory (Fig. 3A) for the purpose of providing fast search and allocation/deallocation of availability of a block (col. 3 lines 7-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate reservation bits mapped to block of general purpose memory in the multiported memory as shown in McMahon into the invention of Dinwiddie because it would provide fast search and allocation/deallocation of availability of a block.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwiddie, Jr. et al. (Dinwiddie) US Patent 5,852,608 in view of Young et al (Young) US Patent 5,546,554.

As to claim 8, Dinwiddie discloses the invention as claimed above. However, neither Dinwiddie does not specifically disclose virtual addresses within multiported are mapped to physical address with smart addressing. Young discloses virtual addresses within multiported are

mapped to physical address with smart addressing (Fig. 5a) for the purpose of memory that appears to an application to be larger and more uniform than it is.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate virtual addresses within multiported are mapped to physical address with smart addressing as shown in Young into the invention of Dinwiddie because it would provide capability of memory that appears to an application to be larger and more uniform than it is.

Response to Amendment

10. Applicant's arguments filed on 9/3/02 have been fully considered but they are not persuasive.

Applicant's argument that the reference does not disclose routing a data access from a peripheral device to a first memory in the computer and routing a status access from the peripheral device to a second memory in the computer is not considered persuasive. Dinwiddie discloses routing a data access from a peripheral device to a first memory in the computer (col. 3 thru col. 7) and routing a status access from the peripheral device to a second memory in the computer (col. 11 line 66).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. § 1.111(c).

14. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hong Kim whose telephone number is (703) 305-3835. The Examiner can normally be reached on the weekdays from 8:30 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matt Kim, can be reached on (703) 305-3821.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

16. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to TC-2100:

After-Final (703) 746-7238

Official (703) 746-7239 (for formal communications intended for entry)

Non-Official/Draft (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

HK
Primary Patent Examiner
November 16, 2002

